

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33936 of 2007(M)

**AGAINST THE ORDER IN IA 460/07 IN
OS.21/2002 of SUB COURT, NEDUMANGAD**
.....

PETITIONER:

**CRISPIN SUDHARMARAJ, PEON, K.S.R.T.C.,
KATTAKADA OFFICE, RESIDING AT NIRMALA BHAVAN,
MYLOTTUMOOZHI, VEERANAKAVU, NEDUMANGADU,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.J.DEVADANAM
SRI.VINOD J.DEV
SRI.PRAMOD J.DEV**

RESPONDENTS:

- 1. B.K.SYAMALAKUMARI,
DHANYA, KOLLAMAM, PANNIYODU P.O.,
VEERANAKAVU, TRIVANDRUM-695 575.**
- 2. B.L.ALOSIOUS, DHANYA,
KOLLAMAM, PANNIYODU P.O., VEERANAKAVU,
TRIVANDRUM-695 575.**
- 3. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE, POOVACHAL BRANCH,
POOVACHAL, TRIVANDRUM-695 575.**

BY S.C. FOR SBI SRI. R.S. KALKURA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 33936 OF 2007

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Dated this the 16th day of November, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order in I.A.460/07 in O.S.21/02. It is an application filed under Section 152 CPC. It is the case of the petitioner that as a surety for the loan amount of Rs.40,000/- advanced to the first defendant alone he is liable and the decree making him liable for Rs.3,50,000/- filed by the defendants 1 and 2 is against the judgment. A perusal of the judgment and decree of the Court below would show that the Court has passed a judgment against all the defendants and the decree also is drawn according to the judgment whereby the liability is caused on all the defendants. Therefore, if at all any remedy for the party it is to challenge the judgment and decree in appeal and one cannot hold that it is only a clerical or arithmetical mistake or an accidental omission which will attract Section 152 CPC. Therefore, the order under challenge does not suffer from any infirmity and so the writ

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petition is dismissed, making it clear that the writ petitioner will be entitled to approach the appropriate forum in accordance with law.

M.N. KRISHNAN, JUDGE.

ul/-